

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-17460-2020
Date of decision: 16.07.2020**

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 70 dated 11.05.2019, registered under Sections 308, 323, 447, 148, 149 and 506 of the IPC (Section 307 IPC added later on) at Police Station Nihal Singh Wala, District Moga. The earlier petition bearing **CRM-M-47325-2019** was dismissed as withdrawn on 14.11.2019.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that a similarly situated co-accused, namely Harvir Singh alias Randhir Singh Dhira has been granted the concession of regular bail by this Court, vide order dated 27.05.2020 passed in **CRM-M-12016-2020**. The operative part of the order reads as under:

“As per allegations in the FIR, on 10.05.2019, Navdeep Singh son of Iqbal Singh was driving the tractor. Petitioner was sitting on the mudguard of tractor. Harpreet Singh @ Happy, was armed with kha. Randhir

Singh @ Dheera and Nirmal Singh were armed with kasia. They came to the field of the complainant and started laying of vut (division) of in-let (khall) in the field of the complainant. On being objected, Baljit Singh @ Pappu made lalkara and asked Happy and others to hold the complainant and throw him in front of the tractor. Harpreet Singh @ Happy, Randhir Singh @ Dheera and Nirmal Singh while holding son of the complainant from his arms and legs immediately threw him in front of the tractor. Then Baljit Singh @ Pappu Singh again exhorted and encouraged Navdeep Singh to run over the tractor over son of the complainant and finish the work. Navdeep Singh escalated the race of the tractor and brought it over the son of the complainant by crossing over the stomach and chest of son of the complainant. The police investigated the case and on investigation found Navdeep Singh to be innocent. The police filed charge-sheet against the petitioner and other co-accused. The case is pending for consideration of the application filed under Section 319 of the Cr.P.C. after examination of the complainant for summoning of accused Navdeep Singh.

The petitioner being in custody since 15.07.2019 has filed the present petition for grant of regular bail.

The petition has been opposed by the State in term of reply by way of affidavit of Manjeet Singh, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga received through e-mail which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case due

to civil dispute with the complainant. The petitioner along with his co-accused Harpreet Singh @ Happy and Nirmal Singh is alleged to have thrown injured in front of the Tractor driven by Co-accused Navdeep Singh, who is alleged to have run over the Tractor over the injured. On investigation the police found Navdeep Singh to be innocent which knocks out credibility of the complainant's version. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Co-accused Baljit Singh @ Pappu has been granted bail by this Court vide order dated 25.02.2020. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner having committed heinous offence does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and role attributed to the petitioner, parity with coaccused Baljit Singh @ Pappu who had been granted bail vide order dated 25.02.2020 and the fact that trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.”

Learned State counsel does not dispute the factual position and submits that the trial is not proceeding as an application filed under Section 319 Cr.P.C. has not been decided so far and the petitioner is in judicial custody for the last one year and twenty four days.

I have heard learned counsel for the parties.

In view of the above, without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last

one year and twenty four days; similarly situated co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

16.07.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No